

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Rieping et al.

Appln. No.: 09

963,668

Series Code ↑

Serial No. ↑

Filed: September 27, 2001

Mail Stop Non-Fee Amendment

Hon. Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Group Art Unit

TBA

Examiner:

TBA

Atty. Dkt.

P 0283665

000425BT

M#

Client Ref

Appln. Title:

"Fermentation Process for the  
Preparation of L-Amino Acids Using  
Strains of the Family  
Enterobacteriaceae"

RECEIVED

Sir:

REPLY/AMENDMENT/LETTER

Date: July 21, 2003

JUL 17 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

|   |  |  |  |                                  |                                    |               |                    |                |                |
|---|--|--|--|----------------------------------|------------------------------------|---------------|--------------------|----------------|----------------|
| 1. Small Entity claim<br>A. <input checked="" type="checkbox"/> NOT made<br>B. <input type="checkbox"/> Withdrawn<br>C. <input type="checkbox"/> made herewith<br>D. <input type="checkbox"/> made previously |  | For B & C<br>See Required<br>Separate Paper<br>(Pat-256) |  | Claims remaining after amendment | Highest number previously paid for | Present Extra | Large/Small Entity | Additional Fee | Fee Code Lg/Sm |
| 2. Total Effective Claims   |  |  |  | **minus                          | 0                                  | 0             | x \$18/\$9 =       | + \$0          | 103/203        |
| 3. Independent Claims   |  |  |  | ***minus                         | 0                                  | 0             | x \$84/\$42 =      | + \$0          | 102/202        |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....   |  |  |  | add                              |                                    |               | + \$280/\$140 =    | + \$0          | 104/204        |
| 5. Original due Date: July 23, 2003   |  |  |  | <input type="checkbox"/> NONE    |                                    |               |                    |                |                |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached   |  |  |  | (1 mo)                           | \$110/\$55 =                       |               |                    |                | 115/215        |
|   |  |  |  | (2 mos)                          | \$410/\$205 =                      |               | + \$0              |                | 116/216        |
|   |  |  |  | (3 mos)                          | \$930/\$465 =                      |               |                    |                | 117/217        |
|   |  |  |  | (4 mos)                          | \$1,450/\$725 =                    |               |                    |                | 118/218        |
|   |  |  |  | (5 mos)                          | \$1,970/\$985 =                    |               |                    |                | 128/228        |
| 7. Enter any previous extension fee paid since above original due date and subtract   |  |  |  |                                  |                                    |               | - \$0              |                |                |
| 8.  |  |  |  | Extension Fee                    |                                    |               | + \$0              |                |                |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....   |  |  |  |                                  | + \$110/\$55                       |               | + \$0              |                | 148/248        |
| 10. If IDS attached requires Official Fee under Rule 97 (c), .....  |  |  |  | add                              | + \$180                            |               | + \$0              |                | 126            |
| or if Rule 97(d) Request .....  |  |  |  | add                              | + \$180                            |               |                    |                | 126            |
| 11. After-Final Request Fee per rules 129(a) and 17(r) .....  |  |  |  |                                  | + \$750/370                        |               | + \$0              |                | 146/246        |
| 12. No. of additional inventions for examination per Rule 129(b) .....  |  |  |  |                                  | x \$750/375 ea                     |               | + \$0              |                | 149/249        |
| 13. Request for Continued Examination (RCE) .....   |  |  |  |                                  | + \$750/375                        |               | + \$0              |                | 1179/1279      |
| 14. Petition fee for .....  |  |  |  |                                  |                                    |               | + \$0              |                |                |
| 15.   |  |  |  | TOTAL FEE =                      |                                    |               | \$0                |                |                |
| 16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".  |  |  |  |                                  |                                    |               |                    |                |                |
| 17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.  |  |  |  |                                  |                                    |               |                    |                |                |
| 18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.   |  |  |  |                                  |                                    |               |                    |                |                |
|   |  |  |  | Our Deposit Account No. 03-3975) |                                    |               |                    |                |                |
|   |  |  |  | (Our Order No. 021123            |                                    | 0283665       |                    |                |                |
|   |  |  |  | C#                               |                                    | M#            |                    |                |                |

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10  
18  
7/18/03

In re PATENT APPLICATION of

RIEPING et al.

Group Art Unit: TBA

Appln. No.: 09/963,668

Examiner: TBA

Filed: September 27, 2001

Title: "Fermentation Process for the Preparation of L-Amino Acids Using Strains of the Family Enterobacteriaceae"

July 16, 2003

\* \* \* \* \*

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

JUL 17 2003

TECH CENTER 1600/2900

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a communication from the examiner, dated June 23, 2003, wherein the examiner required restriction to one of the following allegedly distinct inventions:

I. Claims 1-7 and 9, partially directed to a fermentation process for the production of L-amino acids which use a microorganism from the Enterobacteriaceae family wherein said organism contains a defective pckA gene;

II. Claims 8 and 9, partially directed to a fermentation process for the production of L-lysine amino acids which use a microorganism from the Enterobacteriaceae family wherein said organism contains a defective yjfA and/or ytfP gene;

III. Claims 10 and 11, directed to a microorganism from the Enterobacteriaceae family wherein said organism contains a defective pckA gene;

IV. Claims 12 and 13, directed to a microorganism from the Enterobacteriaceae family wherein said organism contains a defective yjfA and/or ytfP gene;

V. Claims 14, 17, 19, 24, 25 and 27, directed in part to a plasmid containing the polynucleotide of SEQ ID NO: 3, a polynucleotide comprising SEQ ID NO: 4, a strain comprising the polynucleotide of SEQ ID NO: 4, and an E. coli strain transformed with said plasmid;

VI. Claims 15, 16, 18, 20-21, 24 and 26, directed in part to plasmids containing the polynucleotides of SEQ ID NO: 6 or 7, a polynucleotide comprising SEQ ID NO: 6, a strain comprising the polynucleotides of SEQ ID NO: 6 or 7, and an E. coli strain transformed with said plasmids; or

VII. Claims 22-24, directed in part to an L-threonine-producing strain from the Enterobacteriaceae family wherein said strain contains a deletion mutation corresponding to SEQ ID NO: 4, 6 or 7.

The applicants elect the claims of Group I (claims 1-7 and 9), without traverse, for further prosecution on the merits.

Respectfully submitted,

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